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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/057,556	04/09/1998	SHUICHI OKAMURA		6532

5514 7590 06/17/2003

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NEW YORK, NY 10112

EXAMINER
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TSEGAYE, SABA

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 06/17/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/057,556

Applicant(s)

OKAMURA

Examiner

Saba Tsegaye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. Claims 1-3, 8, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurobe et al. (US 6,233,251).

Regarding claims 1, 2, 13 and 14, Kurobe discloses a communication apparatus that performs data communication via a communication network, the apparatus comprising:

a packet transmitter for transmitting image data in packets and for selectively transmitting sound data in packets, wherein the sound data is divided into packets of invariable packet size (fixed-length data not employing retransmission; e.g. an audio frame) and the image data is divided into packets of variable packet size based on the size of each sound data packet (column 4, lines 20-33; column 21, lines 20-29; column 58, lines 40-59).

Kurobe does not expressly disclose a detector for detecting an amount of sound data to be transmitted in packets; and a controller for controlling the variable packet size of the packets of image data to be transmitted by the packet transmitter, according to a detection result of the detector.

However, Kurobe discloses as stated above the function of the detector and controller that is the variable-length (image data) data has a frame length changed depending on the length of the fixed-length data (sound data).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to include a detector/controller within the realm of framing as disclosed by Kurobe in order to provide devices on which other devices rely for access to communication apparatus subsystem.

Regarding claim 2, Kurobe discloses a communication apparatus, wherein the controller changes the packet size of the image data gradationally according to the amount of the sound data to be transmitted in packets (column 6, lines 30-44).

Regarding claim 3, Kurobe discloses a communication apparatus, wherein the controller changes the packet size of the image data according to whether the amount of the sound data to be transmitted in packets is zero or non-zero (column 4, line 66-column 5, line 4).

Regarding claim 8, Kurobe discloses a communication apparatus, further comprising a compression unit for compressing at least one of the image data and the sound data (column 1, lines 7-30).

2. Claims 4-7 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurobe in view of Palmer et al. (US 5,375,068).

Kurobe discloses all the claim limitations as stated above. Further, Kurobe shows, in fig. 10, a multiplex transmission device that discloses a transmitting side and a receiving side.

However, Kurobe does not expressly disclose an image input, a sound input, a display, and a sound output as in claims 4-7 and 9-12.

Regarding claims 4-7, 9, 11 and 12, Pamer discloses, in Fig 1, a video camera 38, headphones with microphone, and a display 30. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to add devices for an image input, a sound input, a

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display, and a sound output to the apparatus of Kurobe, as taught by Palmer in order to allow multiple users to participate in a video teleconference.

Regarding claim 10, Kurobe discloses a method of multiplexing and transmitting compressed audio data and video data. Further, Kurobe shows, in Fig 10, a transmitting side and a receiving side.

However, Kurobe does not expressly disclose an expansion unit.

It would have been obvious to one ordinary skill in the art at the time of the invention was made to add an expansion unit in the receiving side of Kurobe in order to restore the contents of a compressed data to its original form.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

ST

June 13, 2003

A handwritten signature in black ink, appearing to be 'H. Kizou', written over a horizontal line.

HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600